

AMENDMENT UNDER 37 CFR § 1.111
Serial No. 09/577,814

REMARKS

A total of 38 claims remain in the present application. The foregoing amendments are presented in response to the Office Action mailed November 4, 2004, wherefore reconsideration of this application is requested.

By way of the above-noted amendments, independent claims 1, 19 and 31 have been amended to more distinctly define features of the present invention. More particularly, claim 1 has been amended to define that the step of "splitting the input signal into a plurality of derived signals comprises a step of inspecting an overhead of each frame of the input signal to determine whether the overhead contains a payload pointer or a concatenation indicator." Similar amendments have been effected in claims 19 and 31. Dependent claims 6 and 37 have been cancelled in view of the amendments effected in claims 1 and 31, respectively, and consequential amendments effected in claims 7 and 33. Finally, claim 24 has been cancelled, and claim 28 amended in response to the Examiner's objections.

In preparing the above-noted amendments, careful attention was paid to ensure that no new subject matter has been introduced.

Referring now to the text of the Office Action:

- claim 24 stands been objected to under 37 C.F.R. § 1.75(c);
- claim 28 stands been objected to for improper claim dependency;
- claims 1-3, 19-21, 31, 33, 34 and 38 stand rejected under 35 U.S.C. § 103(e), as being unpatentable over the teaching of United States Patent No. 6,731,656 (Slater et al.);
- claims 4 and 39-41 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of United States Patent No. 6,731,656 (Slater et al.);

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- claims 5, 22-24 and 32 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of United States Patent No. 6,731,656 (Slater et al.) in view of United States Patent No. 5,537,405 (Yoshifuji);
- claims 35 and 36 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of United States Patent No. 6,731,656 (Slater et al.) in view of United States Patent No. 5,537,405 (Parruck et al); and
- claims 6-18, 25-30 and 37 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As an initial matter, applicant appreciates the Examiner's indication of allowable subject matter in claims 6-18, 25-30 and 37. The Examiner's rejections under 35 U.S.C. §103(a) is believed to be traversed by the above-noted claim amendments, and further in view of the following discussion.

At paragraph 28 of the detailed action, the Examiner states that "the prior art does not disclose or fairly suggest that the splitter and receiver locate and manipulate a payload pointer and a concatenation indicator since the prior art splits the incoming information on a byte basis." Independent claims 1, 19 and 31 have been amended to define this feature of the invention, and thus are believed to be patentable for at least that reason. The dependent claims define further features of the present invention, and thus are believed to define further grounds for patentability.

In light of the foregoing, it is believed that the present application is in condition for allowance, and early action in that respect is courteously solicited.

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If any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 19-5113.

Respectfully submitted,



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